Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
In Re: Delete, Delete, Delete	)	GN Docket No. 25-133
	)	
Schools and Libraries Universal Service Support Mechanism	)	CC Docket No. 02-6
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
	)	
Changes to the Board of Directors of the National Exchange Carrier Association, Inc.	)	CC Docket No. 97-21
	)	

COMMENTS OF

THE CORPORATION FOR EDUCATION NETWORK INITIATIVES

IN CALIFORNIA (CENIC)

I. Introduction

The Corporation for Education Network Initiatives in California ("CENIC") respectfully submits these comments to the Federal Communications Commission's ("Commission's") *Public Notice ("Public Notice")*[1] seeking public input on identifying Commission rules for the purpose of alleviating unnecessary regulatory burdens. CENIC has a long history of working on broadband deployment projects and focusing on

[1] *FCC Opens 'In Re: Delete, Delete, Delete' Docket*; GN Docket No. 25-133; Consistent with Executive Orders 14192 and 14219, FCC DA 25-219 (rel. March 12, 2025).

digital access for its institutional constituents, which include the vast majority of public K-12 schools and public libraries, as well as all public post-secondary institutions and major research universities in the state of California. This non-profit organization runs several networks: the California Research and Education Network ("CalREN") connecting education, library, research, health care, scientific and cultural organizations throughout California; the Western Regional Network, connecting research organizations in most of the Western States and Hawai'i; and Pacific Wave, an international peering fabric connecting the US research community with data, instruments, and research collaborations in Oceania and the Asia Pacific Region. Further, as a statewide consortium applicant for California, CENIC is arguably one of the largest applicants in the E-Rate program in terms of number of consortium members, number of students and library patrons served, number of annual funding requests, and the scope of broadband services procured for eligible schools and libraries. Given our experience with the E-Rate program, we offer these comments to assist the Commission in its goal of eliminating unnecessary rules and regulations in the E-Rate program.

II. Discussion

The Commission has previously sought comment on eliminating E-Rate Form 486 and moving its certifications to other existing E-Rate forms.[2]

[2] *Schools and Libraries Universal Service Support Mechanism*, CC Docket Nos. 02-6, 96-45, and 97-21, Report and Order and Further Notice of Proposed Rulemaking, FCC 23-56, ¶¶65-66 (July 21, 2023) (*E-Rate Tribal Libraries NPRM*).

We believe that the Commission's record affirms that this form is unnecessary and should be deleted. Consistent with the intent of this *Public Notice*, the Commission should act quickly to take this deregulatory action.

A requirement of the E-Rate rules is that the most cost-effective service offering be selected.[3] As such, a contract for competitively bid services that meets the requirements of being the most cost-effective option may be in part due to the offering of the service over multiple years with most contracts not exceeding a five-year term. While 47 C.F.R. §54.511(d) allows for long term contracts, the Administrator, or the Universal Service Administrative Company ("USAC"), is only allowed to commit funds to cover the pro rata portion of such a long term contract scheduled to be delivered during the funding year for which universal service support is sought. This means, each subsequent year after the initial approval, one or more Forms 471 must be filed, reviewed, and approved by USAC. Further, most telecommunications contracts include early termination clauses, which makes it less likely that a school or library would modify their service while under contract. It would be worth noting that an expedited process for long term contracts could be developed that reduces the administrative burden on all parties while retaining an optional process for when the historical annual process would need to be followed.[4]

During the pandemic, the Commission waived certain of the provisions relating to the provision of free products and/or services.

[3] *See* 47 C.F.R. § 54.511(a)

[4] For example, when a site may move locations, even temporarily, or when upgrading services.

However, those rules expired on June 30, 2022.[5] During an active disaster (defined as the incident period) and for up to 30 days thereafter, the waiver of the provisions relating to free products and/or services for E-Rate participants could be beneficial to support the rebuilding and restoration of local communities. For example, during the recent Eaton and Palisades wildfires in California, multiple schools and libraries burned down or lost infrastructure necessary for broadband connectivity. Given the vast destruction, community members, philanthropists, and companies were offering to provide equipment, devices, and more to these impacted school and library sites. Additionally, disaster-impacted applicants may be seeking temporary services, such as through a wireless or satellite connection, to maintain service while their primary connection is being restored or rebuilt. Securing a second service, even on a temporary basis, may present an issue to the eligible applicant during an audit and be deemed as a violation of the E-Rate rules. We would suspect that there would be similarities in other parts of the country when natural disasters occur, whether wildfires, tornados, or hurricanes. It could be helpful, and more efficient, to have a permanent rule to address the various issues faced by schools and libraries during disaster relief rather than the Commission having to issue waivers on a disaster-by-disaster basis. This could expand upon the outreach processes special handling procedures that exist for all outreach items during the summer months and for part of December, when applicants may

[5] *See* Petition for Waiver of Comcast Corporation for Lift Zone Initiative, CC Docket No. 02-6, Order, 36 FCC Rcd 14349 (WCB 2021).

be unavailable, and for the active disaster areas where the recipients of services are located in an active Federal Emergency Management Agency ("FEMA") declared disaster area. The Commission may wish to seek further comment from interested parties around what rules should be waived during a disaster, in addition to reviewing what relief the Commission has historically provided, which, together, could inform the development of a general waiver for any FEMA-designated disaster area.

CENIC applauds the Commission for its innovative approach in creating the consortia application process in the E-Rate program. Annually, CENIC files approximately 500 funding requests under more than 85 applications. While some of CENIC's FCC Form 471 applications for FY 2025 appear thousands of pages long to the inexperienced eye, the length is largely due to constraints within the USAC system.[6] These constraints add to the length and complexity of USAC's application review process and could be eliminated for state network applications by deleting the 'recipient of service' mandatory assignment, which, by default within the system, associates all school and/or library entities that connect to the state network to each funding request line item, requiring time-intensive review by USAC, and subsequent delays to funding commitments.

[6] Individual schools that benefit from the K12 node site aggregation connections are listed in CENIC's Form 471 applications for the purpose of calculating the E-Rate discount. USAC's system requires designating these schools as recipients of service, even when service is not delivered directly to the individual schools. These types of funding requests can be readily identified on the applications as the system flags the purpose as "Backbone circuit for consortium that provides connectivity between aggregation points or other non-user facilities."

Further, each circuit within a consortial application is independently reviewed and must meet the same rigorous standards as those represented by separate, non-consortial applications. Given the timelines set by USAC, there are often instances when transitioning services between providers, delivering new services, and/or upgrading bandwidth does not happen by the start of the funding year or may be delayed well into the funding year. This is in large part due to local budgetary decisions being finalized after the USAC timeline for filing and/or delays to service delivery faced by service providers due to circumstances largely outside of their control.[7] The Commission can eliminate program procedures that currently penalize applicants with funding shortfalls due to these real-life situations by:

- Allowing USAC to fund two providers of service during contract transitions when cutover is impossible to achieve by July 1;
- Allowing applicants to cite bandwidth ranges supported by a contract and accepting the funding request at the maximum amount allowable by the contract; and,
- Deleting the strict service delivery deadline requirement for special construction funding requests and allowing USAC to extend such deadlines without limitation as long as construction is underway.

[7] Some examples would include: encroachment or permitting delays, inclement weather, or supply chain delays.

CENIC is proud of its track record as the consortium lead for schools and libraries in California, and we appreciate the opportunity to offer recommendations for streamlining the Commission's rules and regulations.

III. Conclusion

CENIC is grateful for the opportunity to provide these comments in the Commission's *Public Notice*. We know the E-Rate program, including the consortia application, has been instrumental in bringing robust, high-speed broadband to California's schools and libraries and we welcome the ability to create greater efficiencies in the program.

Respectfully submitted,

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